

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
CASE REPORT**

Investigation Number 13-251-00086	Date of Occurrence July 19, 2013	License Number ABRA-86210	Application Number
Trade Name TruOrleans		Owner/Licensee (List Sole Owner or Principal) James Truitt Redding TBM Holdings, Inc	
Address 400 H Street N.E., Washington D.C.		License Description CR	Date of Complaint January 19, 2013
Complainant Name, Phone and Address			<input type="checkbox"/> Anonymous
Investigator Name Kofi Apraku		Type of Report <input checked="" type="checkbox"/> Investigative <input type="checkbox"/> Supplemental <input type="checkbox"/> Information	
Alleged Violation(s) and Code/Regulation Citation			Substantiated Yes/No
1. D.C. Official Code §25-823 Revocation or suspension for violations of this title or misuse of licensed premises.			
Manager-in-charge/Owner's name at the time of inspection and identification: Jalel Azaiez (ABRA-087242/ Exp: 6/6/2015)			
All Licenses in Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable			
List Licenses not in Compliance:			
<p>SUMMARY:</p> <p>Alcoholic Beverage Regulation Administration (ABRA) Investigator Kofi Apraku determined that on Friday, July 19, 2013, at approximately 11:50 p.m., a Simple Assault and an Assault with a Deadly weapon took place inside and outside of TruOrleans located at 400 H Street, N.E. The altercation occurred between employees of TruOrleans and patrons of the establishment over an unpaid bill tab. The altercation led to a patron sustaining minor injuries and the arrest of three employees of TruOrleans. This determination was based on a review of Metropolitan Police Department (MPD) PD-251 report CCN # 13101092, interviews with MPD Officer Enrique Simmons, TruOrleans staff and the review of security surveillance video.</p> <p>DETAILS:</p> <p>The following investigation was conducted based on MPD PD-251 report CCN#13101092. (Exhibit # 1) The report was forwarded to ABRA on Saturday, July 20, 2013, from the MPD 3rd District. The PD-251 report CCN# 13101092 states the following:</p> <ul style="list-style-type: none"> • C-1 advised that he was assaulted by S-1, S-2, and S-3 following a misunderstanding about the bill. • S-1 stuck C-1 with a broom and S-2 and S-3 stuck him about the body with their fist. • S-1, S-2 and S-3 were placed under arrest, transported and processed at 1D • 1D 42 Adams notified • CSES and the board refused 			

- **ABRA on scene Apraku #12, Gethers #3**

On July 19, 2013, at approximately 11:59 p.m., while participating in a joint operation with MPD regarding noise enforcement, ABRA Investigator Kofi Apraku and Supervisory Investigator Keith Gethers along with MPD Sergeant Dustin Nevel responded to a radio call regarding an assault in progress at TruOrleans located at 400 H Street N.E. Upon arrival at the scene Investigator Apraku observed a large number of police vehicles in proximity of the establishment and several police officers on the scene (Exhibit #2-3). Investigator Apraku observed a large number of people gathered on the 4th Street N.E. side of the establishment arguing with police officers. Investigator Apraku established contact with MPD Officer Enrique Simmons (Badge #3029) who is the reporting officer for the case. Officer Simmons stated that there had been an altercation inside the establishment between several patrons of the establishment and several members of the TruOrleans staff. Officer Simmons stated that the altercation inside of the establishment had spilled outside the establishment, but that details were still forthcoming.

Investigator Apraku entered TruOrleans and spoke with Derrick Hampton, a manager of TruOrleans. Mr. Hampton stated that the establishment began hosting a party of approximately 20 people on the second floor for the establishment for a birthday party (Exhibit #4). Mr. Hampton stated that when it came to the paying of the bill, members of the party became irate because they felt that they had satisfied the bill. Mr. Hampton stated that the restaurant allows patrons of the establishment to have a "running tab" which means that the patrons can make payments to deduct from their bill while continuing to purchase food and beverages. Mr. Hampton stated that the party accrued a bill of approximately \$1,000 and after all payments had been made they had only satisfied approximately \$550.00 of it. Mr. Hampton stated that the members of the party began to head downstairs to leave the establishment without paying. Mr. Hampton stated that when the patrons reached the first floor, several of the patrons began to leave the establishment. Mr. Hampton stated that he along with other managerial staff confronted some members of the party and asked them to satisfy the remainder of the bill. Mr. Hampton stated that members of the party began to get aggressive and started using expletive language towards the staff. Mr. Hampton stated that a black male dressed in a turquoise tank top leaned forward and pushed Jamal Kelly, another manager of the establishment sending him falling backwards. Mr. Hampton stated that at this point several members of the party began pushing, shoving and exiting the establishment. Mr. Hampton stated that ABC Manager, Jalel Azaiez, at this point told Mr. Hampton that they should forget the bill and began to escort individuals out of the establishment. Mr. Hampton stated that as Mr. Azaiez was escorting patrons out the door, the same patron wearing the turquoise tank top returned, threw food in the face of Mr. Azaiez (Exhibit #5) and struck him about the face with a closed fist. Mr. Hampton stated that the staff closed the front door preventing the patrons from coming back inside the establishment. Mr. Hampton stated that during the course of the pushing, several members of the staff had been pushed and were being attacked by patrons. Mr. Hampton stated that he went outside to try and locate any displaced staff members but was asked to come back inside the establishment by other staff members. Mr. Hampton stated that any individuals from the establishment who were involved in the altercation were acting in self defense.

Investigator Apraku spoke with Mr. Reginald Reed, the server who was in charge of the party of over 20 patrons on the second floor of the establishment. Mr. Reed recounted most of what Mr. Hampton had already stated to Investigator Apraku. Mr. Reed additionally stated that he was trying to help the individuals by trying to break up the bill and give separate checks however the patrons became irate once they felt that they had satisfied their bill. Mr. Reed stated that the individuals kept saying "that they paid what they felt they owed". Mr. Reed stated that the staff tried to contain the aggression of the patrons by pulling up the bill and explaining the charges but the patrons were unwilling to listen. Mr. Reed stated that the patrons seemed determined to leave the establishment without paying their tab. Mr. Reed stated that the altercation broke out when a black male in a turquoise tank top leaned forward and punched Jamal Kelly, a manager of the establishment. Mr. Reed stated when the altercation took place; he stayed inside the establishment and did not participate in the

altercation either inside or outside. Mr. Reed provided Investigator Apraku with a copy of the receipt from the party involved in the altercation showing a balance of \$470.00 (Exhibit #6).

Investigator Apraku spoke with Mr. Jamal Kelly, a manager of the establishment. Mr. Kelly stated that he was notified by Reginald Reed that there was a misunderstanding brewing over the bill of a party of over 20 patrons on the second floor. Mr. Kelly stated that when the patrons came downstairs to the first floor, he tried to explain their bill and help them understand that the bill had not been satisfied in full. Mr. Kelly stated that the patron in the teal tank top was especially difficult and continually stated that the bill had already been satisfied. Mr. Kelly stated that as he was explaining the bill to the patron, the patron became aggressive and said "fuck this bill" and pushed him in the face sending him backwards. Mr. Kelly stated that as he was falling backward, he felt a sharp blow to the head and became disoriented. Mr. Kelly stated that he moved out of the area of the fight and sought first aid for a knot that appeared on the top of his head (Exhibit #7-8). Mr. Kelly was still being administered first aid by other members of the staff during the time Investigator Apraku was conducting the interview.

Investigator Apraku spoke with Mr. Jalel Azaiez, General Manager of the establishment. Mr. Azaiez stated that he was downstairs inside the office when he was alerted that there was a misunderstanding between patrons and staff over an unpaid bill. Mr. Azaiez stated that he came upstairs from the basement office and was confronted by a party of people assembled at the front of the door. Mr. Azaiez stated that he joined other managers in trying to discuss the bill. Mr. Azaiez stated that as the discussion was ensuing over the bill, one of the patrons dressed in a teal tank top reached over and struck Mr. Kelly about the face with a closed fist. Mr. Azaiez stated that he immediately began telling other members to simply escort the patrons out of the restaurant. Mr. Azaiez also stated that he told his staff to forget about the bill and to remain inside the establishment. Mr. Azaiez stated that there was a lot of pushing going on within the doorway of the restaurant. Mr. Azaiez stated that he was afraid that there would be a major altercation that would spill into the restaurant so he attempted to move towards the door and close it. Mr. Azaiez stated that as he was attempting to secure the door, he felt something being thrown in his face followed immediately by a closed fist to his face. Mr. Azaiez stated that he immediately raised his hand to his left eye and saw blood on his hand. Mr. Azaiez stated that he was disoriented by the punch but still attempted to bring in employees who had spilled outside back into the establishment. Mr. Azaiez stated that he instructed all his employees to stay within the establishment to prevent the altercation from escalating further. Mr. Azaiez stated that several members of his staff called MPD the moment that the altercation began. Investigator Apraku took photographs of the injuries sustained by Mr. Azaiez. (Exhibits #9-10)

Investigator Apraku spoke again with Officer Simmons in regards to the details of the case. Officer Simmons recounted the earlier details of the case but in addition stated that during the course of the altercation, three members of the TruOrleans kitchen staff exited the establishment through the kitchen area and engaged a single patron in a physical altercation. Officer Simmons stated that one of the employees of TruOrleans had attacked the patron in the teal tank top outside the establishment with a broom while two other employees struck him about his body with closed fists. Officer Simmons stated that the altercation had occurred inside an alley facing 4th Street, N.E. Officer Simmons stated that the employees had been apprehended and would be charged with Assault with a Deadly Weapon and Simple Assault accordingly. Officer Simmons also stated that the victim was also going to be arrested for the alleged assault on TruOrleans Managers, Jalel Azaiez and Jamal Kelly.

Investigator Apraku spoke with Azaiez and informed him that the video surveillance needs to be reviewed by MPD officers and ABRA investigators. Mr. Azaiez stated that he was unaware of how to operate and record from the camera system but that he would reach his camera technician to come assist with the matter. Mr. Joshua Ford arrived approximately 30 minutes later and reviewed the camera footage with ABRA investigators and MPD. Mr. Ford also made copies of the requested footage for Investigator Apraku (Exhibit #11).

While at TruOrleans, Investigator Apraku conducted a Regulatory Inspection and found no ABRA violations (Exhibit #12)

On Saturday July 20, 2013 at approximately 1:55 a.m., Investigator Apraku reviewed the surveillance video from TruOrleans gain. The footage shows the following:

Camera 13

22:55:32 - 22:56:22: Members of a large party are seen exiting the second floor via stairs down to the first floor.

Camera 8

22:55:26 : Employee seen at desk talking to another employee gesturing towards upstairs, employee walks out of camera view towards kitchen area

22:56:04 – 22:56:13: Members of a large party are seen coming into camera range, some of the patrons are seen moving to the door

22:56:14 – 22:56:37: Male and female members of the party are seen arguing with someone who appears to be Derrick Hampton, a manager of the establishment. Male patron is seen gesturing to other members of his party to leave the establishment. An additional patron wearing teal tank top appears on camera holding what appears to be a receipt.

22:56:38: Male patron grabs receipt out of the hand of other patron, gives it to Mr. Hampton and begins to walk out establishment.

22:56:42 – 22:57:13: Argument begins around the front entrance of the establishment between several members of the party and several TruOrleans employees. Mr. Jalel Azaiez is seen coming into camera view. Several female patrons and two male patrons are seen exiting the establishment.

22:57:13 – 22:57:50: TruOrleans staff continues to speak with patrons.

22:58:00 – 22:59:21: Patrons and staff are seen congregating around a point-of-sale (POS) machine on the first floor, Male patron in teal tank top is seen gesturing to party to leave establishment. Several members of the party are seen exiting the establishment. Male patron in teal tank top is seen speaking with Mr. Azaiez and peering at POS screen.

22:59:24 – 23:00:00: Patrons and staff appear to be discussing something at which point, an altercation, involving grabbing, pushing and shoving erupts. The camera angle does not permit a deciphering of who is actually fighting. Individuals are seen being pushed out the front door. Mr. Azaiez is seen reaching outside to close front door.

23:00:03 – 23:00:05: Food is seen flying through air and into establishment. Mr. Azaiez is seen recoiling back into establishment with his hand to his face.

23:00:12 – 23:00:15: Male employee with dreadlocks seen running towards kitchen area and out of camera range.

23:00:17 – 23:01:13: Members of TruOrleans staff exit outside through front entrance. Several staffers are seen

moving towards kitchen area out of camera view. Mr. Hampton is seen coming into camera view and exiting through front entrance but returning inside shortly after. Several patrons uninvolved with the altercation are seen exiting the establishment.

23:00:18 – 23:02:19: Mr. Hampton is seen attempting to close front doors but exits through the doors instead. Male employee with dreadlocks is seen coming into establishment. Male employee enters back into establishment making punching gestures. More patrons are seen leaving the establishment.

23:02:20 – 23:04:43: Male dreadlocked patron comes into camera view carrying a chair and stands inside front entrance doorway. He returns inside followed by Mr. Azaiez, who appears to be yelling and gesturing for employees to stay put. Several patrons are seen bottlenecking the front door. Flashing police lights can be seen through the window of the host area. Mr. Azaiez is seen exiting back outside through the front doors. Several patrons along with staff are seen leaving and reentering the establishment.

23:02:44 – 23: 06:46: Mr. Azaiez is seen coming back into establishment with Mr. Hampton. Mr. Azaiez is seen gesturing to someone to come back into the establishment. A TruOrleans employee is seen coming back into the establishment, visibly irate. Mr. Azaiez prevents the employee from going back outside/ Mr. Azaiez is seen holding something to his left eye and walking out of camera range.

Camera 1

22:56:30 – 22:59:25: Several patrons are seen exiting the establishment. Some of the patrons re-enter the establishment. Some patrons remain standing within the sidewalk café area.

22:59:27 – 22:59:44: Patron is seen running back inside establishment, patron standing outside carrying cake sets it down and enters establishment. An individual with a tank top is seen being escorted out of the establishment by other patrons.

22:59:50 – 23:01:14: A female patron is seen re-entering the establishment, followed by what appears to be a physical altercation within the doorway. A female patron is seen throwing punches before exiting out the establishment. Several patrons are seen streaming through the front door and heading up the 400 block of 4th Street N.E. Several people are seen entering and leaving the establishment.

23:01:20: 23:02:17: Mr. Hampton is seen coming through the front doors and heading up the 400 block of 4th Street N.E., while a male dreadlocked employee re-enters the establishment. Mr. Azaiez is seen coming down the 400 block of 4th Street NE and heading inside the establishment. Mr. Azaiez is seen coming back outside and heading up the 400 block of 4th Street NE where a physical altercation seems to be actively taking place. The fight is difficult to see from the camera angle.

Camera 3

23:00:25 -23:00:31: Four male individuals rush out of the kitchen side door into the alley out of camera range

23:00:32 – 23:00:36: An additional male individual rushes out the establishment but remains in camera view; the four others come back into camera view and huddle around the door. One heavysset individual squares off as if to fight someone who is coming up the alley.

23:00:38 – 23:01:25: A male in a tank top comes into camera view and begins fighting with the heavysset individual, trading blows and striking each other about the body and face with closed fists. The fighting moves out of camera range. Several people are seen moving towards the fight and out of the camera range. Mr. Azaiez is seen coming out of the door heading up the alley towards the fight. Two males with dreadlocks are seen coming out of the establishment carrying brooms and heading towards the fighting out of camera range. Mr. Aziaez is seen walking back down the alley away from the fight area.

23:01:31 – 23:02:52: Male in tank top is seen being restrained by female out of the fight area and out of camera view down the alley. Heavy set male is seen coming back into camera view. An individual by the door tries to restrain him but he breaks free and rushes down the alley out of camera view.

****Camera times appear to be behind by 1 hour and does not accurately reflect the occurrence of events**

Investigator Apraku reviewed the Settlement Agreement for TruOrleans and found no Settlement Agreement violations (Exhibit #13).

On July 22, 2013, Investigator Apraku was forwarded an e-mail from Mr. David Prestwood, a resident residing at [REDACTED] (Exhibit #14) Mr. Prestwood's e-mail stated that he had been a witness to the incident and expressed concern as to the incident.

On July 22, 2013, Investigator Apraku was forwarded an e-mail from Mr. Gregory Stackley, a resident of Ward 6 expressing concern for the events that took place at TruOrleans and calling for the revocation of TruOrleans Liquor license (Exhibit #15).

On July 22, 2013, Investigator Apraku was forwarded an e-mail from Mr. Mark Eckenwiler, ANC6C04 Commissioner. Mr. Eckenwiler expressed concern for the safety of the residents of ANC 6C (Exhibit #16).

On July 25, 2013, Investigator Apraku telephonically interviewed Mr. David Prestwood, resident at [REDACTED]. Mr. Prestwood stated that at approximately 12:05 a.m. on July 20, 2013, he witnessed an altercation between approximately 30-40 people on the 800 block of 4th Street N.E. and in the alley behind TruOrleans. Mr. Prestwood stated that he was alerted to the altercation by the loud commotion occurring outside his house. Mr. Prestwood stated that he came outside and stood on his front porch and witnessed the altercation. Mr. Prestwood stated that the altercation seemed to be between patrons of TruOrleans and its employees. Mr. Prestwood stated that the individuals fighting exchanged blows about the face and body with closed fists. Mr. Prestwood stated that during the course of the altercation, some people were kicked and stomped while laying on the ground. Mr. Prestwood stated that he witnessed one person carrying a metal broom handle that appeared bent from the altercation. Mr. Prestwood stated that he called MPD but was informed that they had already been dispatched. Mr. Prestwood stated that the altercation lasted approximately 3-5 minutes from the time that he witnessed it. He stated that even after the police arrived on the scene, patrons who were involved in the altercation continued to mill the streets, arguing with police and yelling. Mr. Prestwood stated that the patrons from the establishment appeared to be overly intoxicated. Mr. Prestwood stated that the yelling and screaming in the neighborhood was typical behavior from TruOrleans patrons upon exiting the establishment.

Exhibits Attached:

Exhibit #1: MPD PD-251 report CCN # 13101092, (dated Friday, July 19, 2013)

Exhibit #2: Photograph of Scene in front of TruOrleans

Exhibit #3: Photograph of Scene in front of TruOrleans

Exhibit #4: Photograph of area where Party was seated

Exhibit #5: Food thrown on floor inside establishment

Exhibit #6: Photograph of Receipt
 Exhibits#7: Photograph of Injuries sustained by Mr. Jamal Kelly
 Exhibit #8: Photograph of Injuries sustained by Mr. Jamal Kelly
 Exhibit #9: Photograph of Injuries sustained by Mr. Jalel Azaiez
 Exhibit #10: Photograph of Injuries sustained by Mr. Jalel Azaiez
 Exhibit#11: TruOrleans surveillance footage
 Exhibit #12: Regulatory Inspection dated July 19, 2013
 Exhibit #13: TruOrleans Settlement Agreement

INVESTIGATIVE HISTORY

1. 3/23/13: **Case #13-251-00049**, Simple assault. 6/5/13: NFA
2. 3/1/13: **Case #13-CMP-00145**, Noise violation, Citation #7481, \$250 fine. *(Secondary)*
3. 2/28/13: **Case #13-CMP-00261**, Noise violation, Citation #7527, \$250 fine
4. 2/1/13: **Case #13-AUD-00032**, On-premises retailer's licenses (Failure to file Quarterly Statement).
4/24/13: The Board requested a Show Cause Hearing. 7/17/13: The Board scheduled a Show Cause Hearing for 9/11/13.
5. 1/16/13: **Case #13-CMP-00089**, No ABC manager on duty, Citation #7418, \$250 fine. *(Secondary)*
3/28/13: Citation paid.
6. 8/28/12: **Case #12-CMP-00486**, Quarterly statement for 8/1/12, Citation #6242, \$250 fine. *(Secondary)*
9/11/12: Citation paid
7. 8/7/12: **Case #12-CMP-00451**, Quarterly statement for 5/1/12, Citation #7340, \$250 fine. *(Secondary)*
8/22/12: Citation paid
8. 5/30/12: **Case #12-CMP-00216**, Noise from licensed establishment.
9. 2/8/12: **Case #12-CMP-00092**, Noise from licensed establishment. 4/11/12: NFA
10. 1/12/12: **Case #12-CMP-00056**, Substantial Change in operation must be approved; Voluntary Agreements; Cover Charge. *(2 Unlisted)* 3/1/12: The Board requested a Show Cause Hearing. 8/1/12: The Board scheduled a Show Cause Hearing for 10/17/12. 10/17/12: Continued to 11/14/12. 11/14/12: Continued to 1/16/13. 1/16/13: The Board held a closed meeting under §405(b) (13) of the Open Meetings Act and will issue an Order within 90 days. 2/6/13: The Board ordered a \$1,000 fine payable within 30 days and a 2 day suspension both days stayed for 1 year. 3/28/13: Fine paid.
11. 11/7/11: **Case #11-CMP-00471**, Voluntary agreement. 1/18/12: NFA
12. 9/16/11: **Case #11-CMP-00372**, Voluntary agreement. 10/12/11: The Board requested a Fact Finding Hearing. 3/13/13: The Board accepted an OIC of \$500 fine payable within 30 days. 3/20/13: The establishment is to limited 2nd floor usage
13. 8/7/11: **Case #11-CC-00065**, Sale to minor on 7/25/11. 9/14/11: The Board requested a letter of warning to be sent.

NAME:	ADDRESS:	TEL #
NAME:	ADDRESS:	TEL #
NAME:	ADDRESS:	TEL
NAME:	ADDRESS:	TEL

Investigator's Printed Name Kofi Apraku Signature and Date  7/29/13

Reviewed By Printed Name K. Gethers Signature and Date  7/29/13

Approved By Printed Name Johnnie Jackson Signature and Date  7/29/13

Metropolitan Police
Department Washington,
D.C.

Incident - Based Event Report

Preliminary Public MPD Document



REPORT NUMBER: 13101092

PART I - CLASSIFICATION OF EVENT

TYPE OF REPORT Offense	EVENT START DATE / TIME 07/20/2013 / 0155	EVENT END DATE / TIME 07/20/2013 / 0155	DATE OF REPORT 07/20/2013	TIME OF REPORT 0155
DISTRICT 1D	SECTOR	PSA 104	COMPLAINT NUMBER 13101092	
EVENT LOCATION ADDRESS 400 H ST NE	POSITION IN FRONT OF	REPORT RECEIVED BY OFFICER	RADIO RUN LOCATION IF DIFFERENT FROM EVENT LOCATION 800 4TH ST NE	PROPERTY TYPE PUBLIC
EVENT NO. 1 ADW OTHER DANGEROUS WEAPON				
EVENT NO. 2 SIMPLE ASSAULT				
EVENT NO. 3 SIMPLE ASSAULT				
EVENT NO. 4 ABC VIOLATION OR INCIDENT				
FORCED ENTRY NO	POINT OF ENTRY	Method Used	WEATHER CONDITIONS CLEAR	
SUSPECTED HATE CRIME?	SECURITY SYSTEM	LOCATION TYPE BAR/NIGHT CLUB	DESIGNATED AREAS CUSTOMER AREA	

PART II - VICTIM INFORMATION

1	TYPE COMPLAINANT	NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. HOWARD, RONNELL FRANK		RELATED TO EVENT NO(S). 1	VICTIM TYPE INDIVIDUAL
	DATE OF BIRTH [REDACTED]	AGE RANGE 26	SEX MALE	HOME PHONE	BUSINESS PHONE
	RACE / ETHNICITY BLACK / UNKNOWN			HOME ADDRESS [REDACTED]	
	BUSINESS ADDRESS/SCHOOL		OCCUPATION	IS EVENT RELATED TO OCCUPATION? YES	
	ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO.				

INJURIES Use the following codes to describe injuries.

N = None Visible	O = Other Major Injury	M = Apparent Minor Injury	I = Possible Internal Injury				
T = Loss of Teeth	L = Severe Laceration	B = Apparent Broken Bones	G = Gunshot	U = Unconscious			
INJURED	NUMBER	INJURY CODE	DESCRIBE INJURY	WHERE TAKEN	BY WHOM	DCFD AMB.	DCFD AMB#
1	COMPLAINANT	1	MR	APPARENT MINOR INJURY, BRUISE			

PART V - SUSPECT INFORMATION

1	TYPE	RACE / ETHNICITY	SEX	EXACT AGE OR RANGE	HEIGHT	WEIGHT	EYES
	DEFENDANT OR RESPONDENT (ARREST)	BLACK	MALE	23	5' 07"	150	BROWN
	HAIR	COMPLEXION	SCARS	FACIAL HAIR	HAT	COAT / JACKET	
	PANTS	BLOUSE / SHIRT	PERPETRATOR SUSPECTED OF USING				
	WEAPONS USED IN OFFENSE						
	FIREARM	OTHER BLUNT OBJECT (CLUB, ETC.), PERSONAL WEAPONS (HANDS, ETC.)	COLOR	MAKE	MODEL	CALIBER	
2	TYPE	RACE / ETHNICITY	SEX	EXACT AGE OR RANGE	HEIGHT	WEIGHT	EYES
	DEFENDANT OR RESPONDENT (ARREST)	BLACK	MALE	22			
	HAIR	COMPLEXION	SCARS	FACIAL HAIR	HAT	COAT / JACKET	
	PANTS	BLOUSE / SHIRT	PERPETRATOR SUSPECTED OF USING				
	WEAPONS USED IN OFFENSE						
	FIREARM	OTHER BLUNT OBJECT (CLUB, ETC.), PERSONAL WEAPONS (HANDS, ETC.)	COLOR	MAKE	MODEL	CALIBER	
3	TYPE	RACE / ETHNICITY	SEX	EXACT AGE OR RANGE	HEIGHT	WEIGHT	EYES
	DEFENDANT OR RESPONDENT (ARREST)	BLACK	MALE	31			
	HAIR	COMPLEXION	SCARS	FACIAL HAIR	HAT	COAT / JACKET	
	PANTS	BLOUSE / SHIRT	PERPETRATOR SUSPECTED OF USING				
	WEAPONS USED IN OFFENSE						
	FIREARM	OTHER BLUNT OBJECT (CLUB, ETC.), PERSONAL WEAPONS (HANDS, ETC.)	COLOR	MAKE	MODEL	CALIBER	

NARRATIVE Describe event and action taken.

C-1 advised that he was assaulted by S-1, S-2, and S-3 following a misunderstanding about the bill. S-1 stuck C-1 with a broom and S-2 and S-3 stuck him about the body with thier fist.

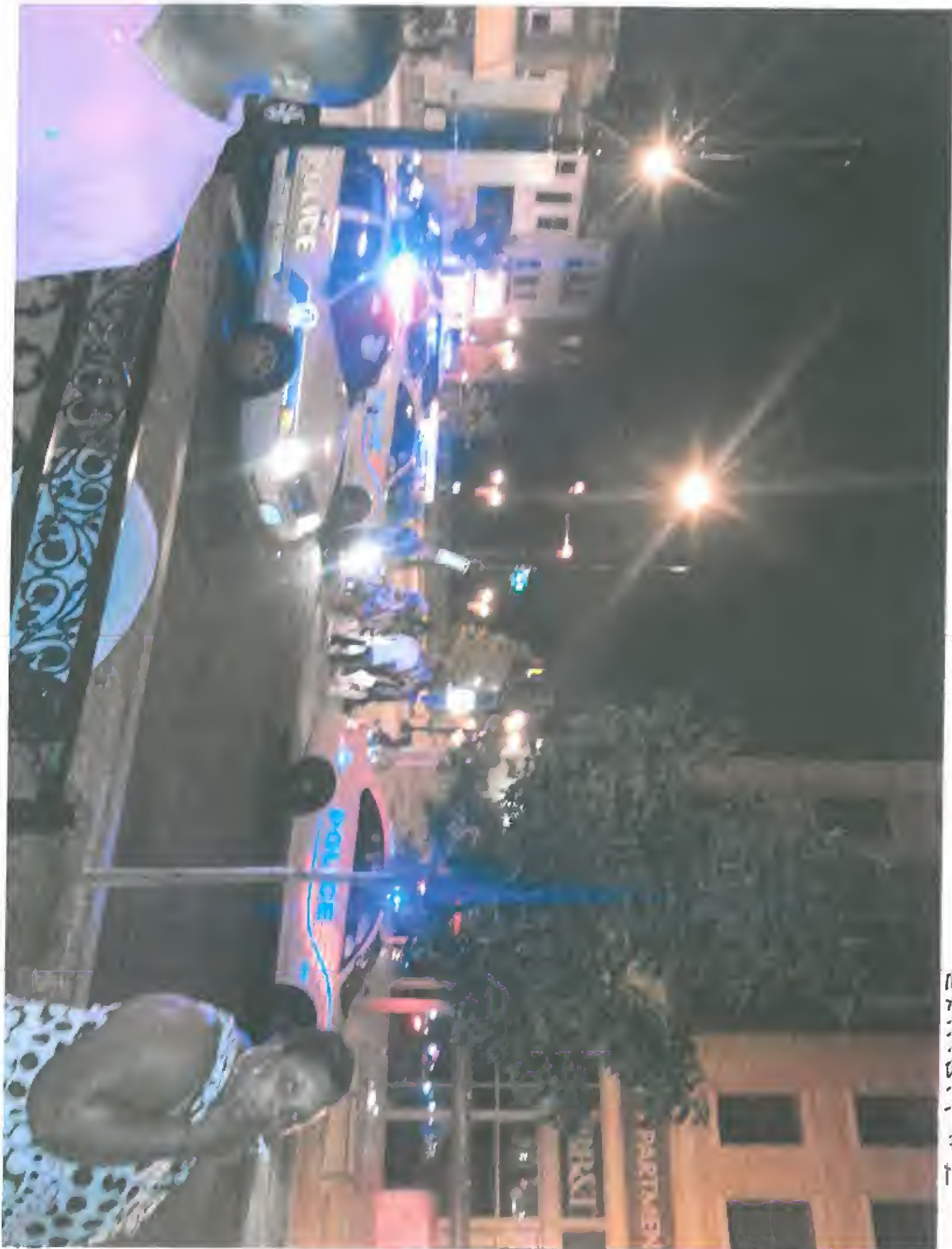
S-1, S-2, and S-3 where placed under arrest, transported and processed at 1D.

1D 42 Adams notified

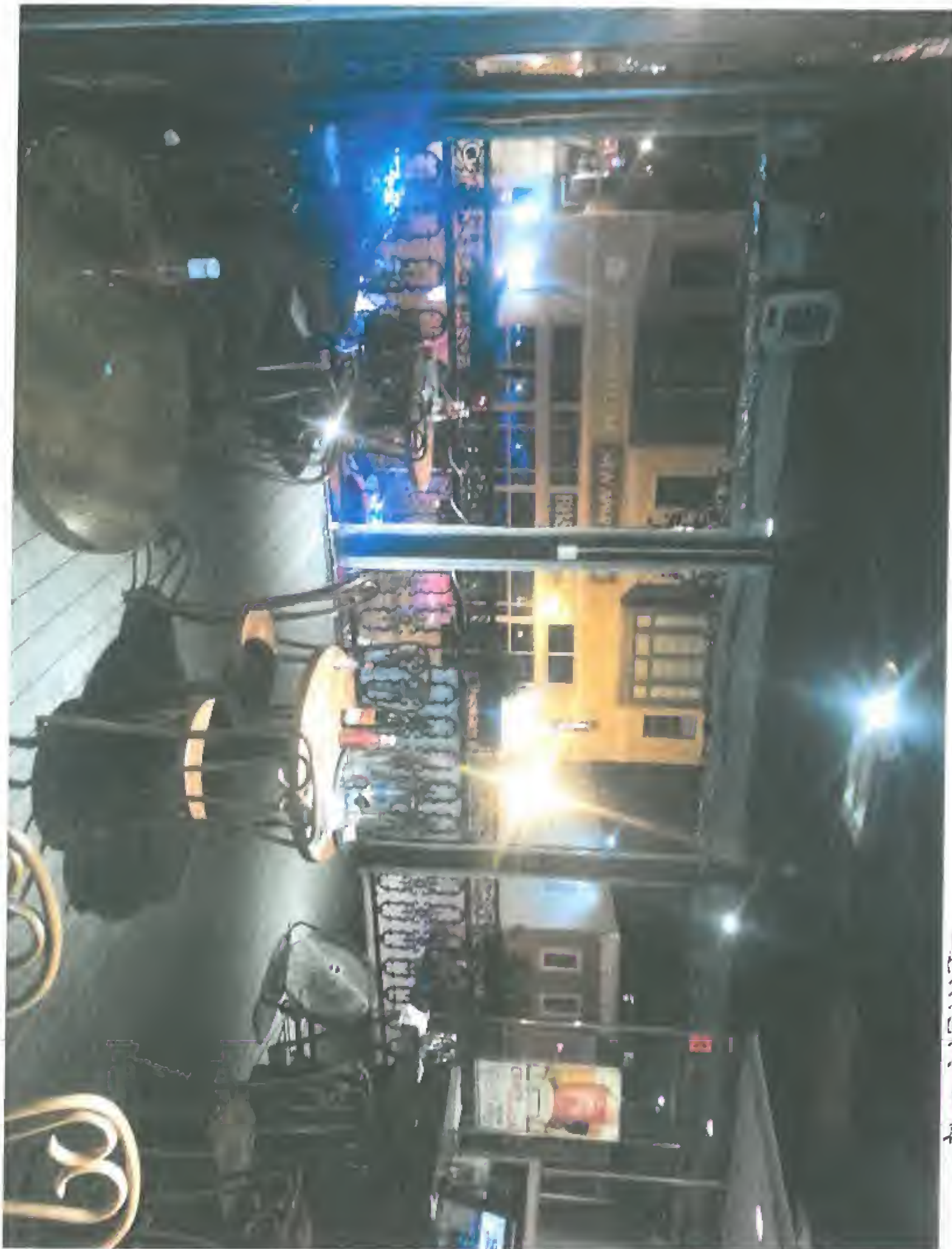
CSES and the board refused

ABRA on scene Apraku #12, Gethers #3

EVIDENCE TECHNICIAN/CSES #	NAME OF INVESTIGATOR NOTIFIED	TELETYPE NOTIFIED (Name)	NOTIFICATION ALSO REQUIRED WHENEVER MISSING PERSON LOCATED		
TELETYPE #	REPORTING OFFICER'S SIGNATURE SIMMONS JR, ENRIQUE A	REPORTING OFFICER'S EMAIL	BADGE NUMBER 3026	ELEMENT 1D	
OTHER POLICE AGENCY	SECOND OFFICER'S NAME	SECOND OFFICER'S EMAIL	BADGE NUMBER	ELEMENT	
SIGNATURE OF SUPERVISOR WELLS, ROSALYN A	SUPERVISOR'S EMAIL	BADGE NUMBER S0614	ELEMENT 1D	REVIEWER	STATUS EXCEPTIONALLY CLOSED







5# 1101485



18% grat for 5 or more guests
20% grat for 15 or more
25% grat for 25 or more
Laissez les bons temps rouler.

DC Sales 10% 36.50 507.50 42.40

Payment	407.39	512.20
11:27 PM Total	11:27 PM Total	512.20

SALES TAX	20.00
SERVICE CHRG	84.80
SERVICE CHRG	79.00
SALES TAX	42.40
SERVICE CHRG	84.80
GRAT FOR 15 OR MORE GUESTS	42.40
GRAT FOR 25 OR MORE GUESTS	84.80

Subtotal	365.00
Cash	39.00
Subtotal	424.00
Subtotal	36.50
Subtotal	36.50

Item	Quantity	Unit Price	Total
1 Snap Dragon Hats	1	24.00	24.00
1 Catch of Day	1	24.00	24.00
Total			48.00

[illegible]

Category	Amount	Balance
1. Category 3	14.00	
2. Category 4	21.00	
3. Category 5	21.00	
4. Category 6	21.00	
5. Category 7	21.00	
6. Category 8	21.00	
7. Category 9	21.00	
8. Category 10	21.00	
9. Category 11	21.00	
10. Category 12	21.00	
11. Category 13	21.00	
12. Category 14	21.00	
13. Category 15	21.00	
14. Category 16	21.00	
15. Category 17	21.00	
16. Category 18	21.00	
17. Category 19	21.00	
18. Category 20	21.00	
19. Category 21	21.00	
20. Category 22	21.00	
21. Category 23	21.00	
22. Category 24	21.00	
23. Category 25	21.00	
24. Category 26	21.00	
25. Category 27	21.00	
26. Category 28	21.00	
27. Category 29	21.00	
28. Category 30	21.00	
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110. Category 112	21.00	
111. Category 113	21.00	
112. Category 114	21.00	
113		

[illegible]

Category	Item	Price
Category 3	Patron Silver	14.00
Category 3	Marg. Rocks	14.00
Category 3	ap Bragun Reis	14.00
	psi	1.00
	Marg. Rocks	1.00

Patron Silver	12.00
Marg. Rocks	1.00
Salm/Cr./Spzha	21.00
Patron Silver	12.00
Marg. Rocks	1.00
Salm/Cr./Spzha	21.00

[illegible][illegible][illegible]

	Bourbon Wing (8)	7.9
	Tilapia Platter	10.4
	Aun Shu Fatt	10.6
	24.00	
	Marg Rocks	17.00
	Patron Silver	19.00
	Marg Rocks	12.00
		1.00

[illegible]

Time	Location	Remarks
17:00	1.100	1.100
16:00	1.100	1.100
15:00	1.100	1.100
14:00	1.100	1.100
13:00	1.100	1.100
12:00	1.100	1.100
11:00	1.100	1.100
10:00	1.100	1.100
09:00	1.100	1.100
08:00	1.100	1.100
07:00	1.100	1.100
06:00	1.100	1.100
05:00	1.100	1.100
04:00	1.100	1.100
03:00	1.100	1.100
02:00	1.100	1.100
01:00	1.100	1.100
00:00	1.100	1.100

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[Faint handwritten notes at bottom left]

[Faint handwritten notes and markings are visible at the bottom of the page.]

[Handwritten notes and stamps are visible in the background.]

101



「#」の位置



山王寺の山門









Alcoholic Beverage Regulation Administration
Enforcement Division
Licensed Premises

EXHIBIT #

☒ Regulatory Inspection

☐ Re-Inspection

VA:

Date: 7/19/2013

Time In: 12:15 ☒ A.M. ☒ P.M.

Time Out: 12:25 ☒ A.M. ☐ P.M.

License: # 86210

Business Name: TBM Holding Inc

Expiration: 3/31/13

Trade Name: Tm Orleans

License Class:

CA

Address: 410 H St NE

Ward: 6

Telephone: (202) 290-1244

Endorsements

Entertainment
Sidewalk Cafe

☐ Fine Dining

☒ Dining w/Bar

☐ Dining w/o Bar

☐ N/A

ABC Manager(s): Jalei Aravez 616715
AB2A-87242

E-mail:

N/A

Owner:

In what language does the licensee need vital documents translated?

English

C of O # 1102557 Date Issued: 7/13/11

Zone: CA Occupancy Load: 152

Approved Floors: 1st / 2nd

Kitchen Operating: ☒ Yes ☐ No ☐ N/A

Toilet Facility: ☒ Yes ☐ No ☐ N/A

Trash: Name of Company:

N/A

Days of removal: N/A

Days	Hours of Operation	Hours of Sales	Entertainment Hours	Sidewalk Hours	Summer Garden Hours
Sunday	7am-2am	10am-2am	6pm-2am	7am-10pm	
Monday		8am-2am			
Tuesday					
Wednesday					
Thursday					
Friday	7am-3am	8am-3am	6pm-3am	7pm-12am	
Saturday	7am-3am	8am-3am	6pm-3am	7pm-12am	

REQUIRED ITEMS

☒ Yes ☐ No ☐ N/A

Posting of ABC License - 25-711 (a)

☒ Yes ☐ No ☐ N/A

Under 21 Sign - 25-713

☒ Yes ☐ No ☐ N/A

ABC Window Lettering - 25-711(a)

☒ Yes ☐ No ☐ N/A

Pregnancy Sign - 25-712

☐ Yes ☐ No ☒ N/A

Signage - 25-763 or 25-765

☐ Yes ☐ No ☒ N/A

Keg Registration - 25-753

☒ Yes ☐ No ☐ N/A

Books & Invoices - 23 DCMR 1204.3

☐ Yes ☐ No ☒ N/A

Import Permits - 23 DCMR 1204.3

Remarks to include confirmation or discrepancy in hours, list other pertinent licenses:

Advised establishment on Quarterly Statement Requirements Yes ☐ No ☐ N/A ☐ Delinquent Yes ☐ No ☐

Investigator's Recommendations:

☐ Re-Inspection ☐ Warning Letter ☐ Citation ☐ Refer to Board ☐ Refer to Another Agency ☐ Violations

BC Approved Manager / Owner Signature

Investigator Signature

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

TBM Holdings, LLC
t/a TruOrleans

Applicant for a New
Retailer's Class CR License

at premises
400 H Street, N.E.
Washington, D.C. 20002

Case No. 11-PRO-00010
License No. ABRA-086210
Order No. 2011-194

TBM Holdings, LLC, t/a TruOrleans ("Applicant")

M. Tony Richardson, Commissioner, on behalf of Advisory Neighborhood Commission

BEFORE: Charles Brodsky, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that TBM Holdings, LLC, t/a TruOrleans ("Applicant"), filed an Application for a new Retailer's Class CR License located at 400 H Street, N.E., Washington, D.C., having been protested, came before the Board for a Roll Call Hearing on February 28, 2011 and a Protest Status Hearing on April 6, 2011, in accordance with D.C. Official Code § 25-601 (2001). The Protest Hearing was scheduled for May 11, 2011.

The Applicant and Commissioner M. Tony Richardson, on behalf of ANC 6C, have entered into a Voluntary Agreement, dated April 6, 2011, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and

TBM Holdings, LLC
t/a TruOrleans
Case No. 11-PRG-00010
License No. ABRA-086210
Page 2

filed with the Board. The Applicant and Commissioner M. Tony Richardson, on behalf of ANC 6C, are signatories to the Agreement. This Agreement constitutes a withdrawal of the Protest filed by ANC 6C of this Application.

David Prestwood, on behalf of A Group of Five or More Individuals, and Genevieve D. Sapir, on behalf of another Group of Five or More Individuals, submitted a letter, dated April 5, 2011, withdrawing their Protests. On April 6, 2011, the Board dismissed the Protest of Genevieve Sapir and Gregory Stackel, on behalf of A Group of Five or More Individuals, for failure to appear at the Protest Status Hearing.

Accordingly, it is this 4th day of May 2011, **ORDERED** that:

1. TBM Holdings, LLC, t/a TruOrleans, Applicant for a new Retailer's Class CR License located at 400 H Street, N.E., Washington, D.C., is **GRANTED**;
2. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 6C to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:


Section 8 (Communication with Protestant) – This section shall be removed.

The parties have agreed to this modification.

3. Copies of this Order shall be sent to the Applicant and ANC 6C.

TBM Holdings, LLC
v/a TruOrleans
Case No. 11-PRO-00010
License No. ABRA-086210
Page 3

District of Columbia
Alcoholic Beverage Control Board



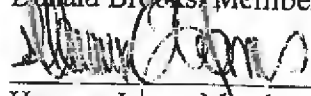
Charles Brodsky, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member

Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

VOLUNTARY AGREEMENT

THIS AGREEMENT is made and entered into as of this 6th day of April, 2011 by and between TBM Holding, LLC (hereinafter the "Applicant"), Advisory Neighborhood Commission 6C, (hereinafter the "ANC")

WHEREAS, Applicant having filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter "ABC Board") for issuance of a Retailer's Class CR license for premises of 400 H Street, N.E., Washington, D.C.

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestants' concerns and Protestants will agree to the issuance of the ABC License and withdraws their Protests.

Definitions.

- a. "Licensee" or "Applicant" means applicant(s) for ABC License AND any related operators of this facility.
- b. "Agreement" means this Voluntary Agreement
- c. "Premises" means 400 H Street NE and all operations therein.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. **Nature of Business:** Applicant will operate at all times as a bona-fide Class CR Restaurant (as such term is defined in ABC statutes and regulations). Food service will be available until one (1) hour before closing. Applicant will not make its premises available to non-employee promoters for presentation of advertised "parties" or "events" intended to generate profit for such promoters. However, such latter restriction shall not preclude Applicant from closing its premises to the general public from time to time in order to accommodate invitation only private functions.
2. **Hours of Operation:** Applicant's operating hours for the interior and partially-enclosed second floor shall be 7:00am to 2:00am daily. Applicant's operating hours for the sidewalk café shall be 7:00am to 10:00pm Sundays - Thursdays, and 7:00am to 12:00am Fridays and Saturdays.

It is understood that after cessation of said "operating hours," no patrons shall remain on the premises or the sidewalk café, respectively.

3. **Noise Suppression** - The Restaurant's operation shall at all times be in compliance with the D.C. Noise Control Act and DC Code 25-725. Applicant acknowledges that Protestants are particularly concerned regarding the potential for noise emanating from its partially-enclosed second floor seating area. Applicant recognizes the sensitive nature of this property with the majority of the frontage on a residential street and residential properties in close proximity to the building.

Accordingly, Applicant agrees that in the event three residents from separate addresses in the 700 or 800 block of 4th Street NE deem noise (including, but not limited to, noise from speakers or other device from amplification) from said second floor area unduly disruptive and file a written complaint or complaints to ABRA to that effect, the operating hours for said second floor will immediately be altered to conclude at 10:00pm Sundays - Thursdays, and 12:00am Fridays and Saturdays. Said operating hours will remain in effect until such time as the second floor area is further enclosed in such manner as to preclude emanation of any disruptive noise.

If applicant voluntarily encloses second floor, and three residents from separate addresses in the 700 or 800 block of 4th Street NE deem noise from said area unduly disruptive and file a written complaint or complaints to ABRA to that effect, all windows on the premises (including the second floor), must be closed after 10:00pm Sunday through Thursday, and 12:00am Friday and Saturday.

Applicant will encourage employees and patrons to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet and tranquility of residents in the enjoyment of their homes and by departing the vicinity of the premises immediately upon exiting.

Applicant shall not install, use or permit to be used any speakers or other device for amplification on the sidewalk café. Applicant will actively discourage patrons, clients, guests, staff or anyone with business at the premises to congregate on the 4th Street side of the premises for any purposes, including, but not limited to, smoking. Licensee will instruct all persons with business at the premises not to use the sidewalk along 4th Street as a smoking area and will direct staff to actively encourage smokers to move to the H Street side of the premises.

4. **Parking:** The applicant shall contract with a valet service. All valet parking drop off and pick up will occur on H Street. The applicant is responsible for ensuring that the valet service does not park vehicles in the surrounding neighborhood streets. The valet service or the applicant will secure spaces for the valet service.

The applicant will encourage employees to take public transportation and not to park on surrounding residential streets.

5. **Deliveries:** To maintain the peace, order and quiet of the surrounding neighborhood, Applicant shall receive all deliveries of food, beverages and supplies during hours between 9:00 am and 5:00 pm Mondays - Fridays. No deliveries shall be accepted on weekends.
6. **Trash Pick-Up and Removal.** Applicant will maintain regular trash/garbage removal service only during the hours from 9:00 am to 5:00 pm. All trash and garbage shall be stored in the interior of the premises until it is to be picked up by Applicant's hauler. The Applicant shall keep dumpster lids tightly closed and incapable of being entered by rodents in order to limit odors and help control pest and rodent population. Applicant will contract for regular rodent and pest (insect) abatement. There shall be no outdoor disposal of glass bottles after 9:00pm.
7. **Removal of Grease and Oils:** Applicant will provide for the proper (recyclable) removal of grease and oils and will not deposit these substances for removal in dumpsters or trash cans.
8. **Communication with Protestant.** Applicant agrees to meet, as reasonably requested (but not less than every 3 months if so requested), with the Protestants (or any of them) to address any perceived problems arising from the operation of the business. The Applicant agrees to work in good faith with the Protestants to resolve any such problems.
9. **Withdrawal of Protest.** Protestants agree to the issuance of the license and the withdrawal of their protests upon execution of this Agreement, provided that this Voluntary Agreement is incorporated into the Board's order issuing, renewing or renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.
10. **Right to Seek Redress:** The parties agree that Applicant will be given written notice of any alleged violation of this Agreement and will be afforded ten (10) days in which to investigate and respond to any complaint. The parties agree that if any complaint of violation of this Agreement is not so resolved, then any failure of the Applicant to adhere to the foregoing commitments will constitute a breach of this agreement and grounds for the Protestant to petition the Board for issuance of an order to Show Cause, as provided by D.C. Code 25-446(c).

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 16th day of March, 2011.

Applicant

APPLICANT:
TBM Holdings LLC

By: 

Brad Howard

ADVISORY NEIGHBORHOOD COMMISSION 6C

By: 

M. Tony Richardson
Commissioner ANC 6C05

Apraku, Kofi (ABRA)

From: Jackson, Johnnie (ABRA)
Sent: Monday, July 22, 2013 11:23 AM
To: Apraku, Kofi (ABRA); Gethers, Keith (ABRA)
Subject: FW: TruOrleans

For appropriate action.

Chief Johnnie Jackson

From: abra, director (ABRA)
Sent: Monday, July 22, 2013 9:55 AM
To: Jackson, Johnnie (ABRA)
Subject: FW: TruOrleans

From: David Prestwood [REDACTED]
Sent: Saturday, July 20, 2013 2:09 AM
To: abra, director (ABRA)
Subject: TruOrleans

Good morning.

This morning (just after midnight) I witnessed a 40-person brawl at TruOrleans (400 H St NE). I am told that the brawl began because of a dispute over a bill, in which a TruOrleans employee is alleged to have pocketed a cash payment and attempted to double-charge a group of patrons. The patrons objected and the employee turned physical, resulting in a melee that spilled outside. According to witnesses, TruOrleans employees attacked patrons with pipes, brooms and a broken bottle. The brawl went from the sidewalk to the alley behind TruOrleans and then spilled out onto 4th St NE, a residential street, where patrons and employees threw haymakers at each other. Multiple individuals were knocked to the ground, at which point they were kicked and stomped on by others. At least one person was thrown into the side of a car that was waiting to cross H St NE. I called the police and was told they were already on their way. Five squad cars showed up and attempted to arrest those responsible, though some of the main culprits appear to have gotten away. It has been nearly two hours and there are STILL patrons loudly arguing on the sidewalk. **I would like the police report for this incident added to the file for the ongoing protest of TruOrleans' liquor license for review by the ABRA Board and mediators.**

TruOrleans has been (comparatively) on good behavior for the last two months as the protest has moved forward, and it needs to be clear to all parties that two months of comparatively fewer problems does not make up for *two years* of constant nuisance and public menace. If the liquor license is renewed without severe restrictions to manner of operation, TruOrleans will go right back to its old behavior, which continues to be unchanged by ABRA actions. Even in this period of "good behavior" TruOrleans continues to host live music audible in neighboring residences (a violation of statute) and often keeps its unenclosed 2nd story and sidewalk cafe open past 10 p.m. on weeknights (in violation of a *direct ABRA order*). Additionally, we continue to hear patrons drunkenly screaming in our residence on weekends and at least two other nights each week. Any lack of officially filed ABRA violations is not due to a lack of incidents - it is due to unavailability of ABRA investigators and a reluctance of investigators to file violations instead of asking TruOrleans to minimize noise or close those sections.

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TruOrleans has been in violation of their settlement agreement since it opened in July 2011. It has been a continuing nuisance through their unwillingness to contain noise. It has let customers leave with alcohol in hand. Its employees are confrontational and now it is clear they are also violent. Its owner has told me verbatim to "go ahead and call ABRA, they won't do anything." It has demonstrated a complete lack of regard for the neighborhood and for the city. It is time for a change.

David Prestwood



Gregory Stackel [REDACTED]

July 20, 2013

To:

Fred Moosally, Director, Alcoholic Beverage Regulation Administration, abra@dc.gov

Copy to:

Nicholas Majett, Director, DCRA, dcra@dc.gov

Tommy Wells, DC City Council, Ward 6, twells@dccouncil.us

Mayor Vincent Gray, EOM@dc.gov

Mark Eckenwiler, ANC 6C commissioner, 6C04@anc.dc.gov

RE: TruOrleans, 400 H Street NE

By now, you are probably aware of the incident at TruOrleans in the early hours of July 20, 2013 in which the police responded with five squad cars to a street brawl at the establishment. We know that residents North of H Street have attempted to work with ABRA and the District in the past regarding TruOrleans and in particular that David Prestwood has sent a letter to ABRA regarding the incident. We want to add our voice to the conversation to let all parties know that this situation is not localized and that we who live South of H Street are equally affected. What is happening at Tru Orleans is not acceptable.

Last night was the last straw in a series of last straws. If there was any doubt regarding the intentions of the owners of this establishment to operate a "restaurant," last night's street brawl clarifies this place as a rowdy club-bar. This was not the type of place the owners presented to the ANC and neighborhood three years ago and it has no place in the neighborhood.

If we as a community have any real objective to make our neighborhood a "livable" community, the District must fulfill their obligation to the residents to enforce the codes, enforce agreements for establishments such as TruOrleans and hold establishments accountable. ABRA is not just an agency that gives out liquor licenses; ABRA has a mission and responsibility to protect the residents of the District. To date the District has done very little. Inspectors are sent but only provide requests or warnings. The place could and should be shut down. At its heart the District is a collection of neighborhoods and citizens. Over the past three years in this situation with Tru Orleans, the District and ABRA in particular has put the desires of businesses above the concerns of the community.

It is clear that ABRA has no intention of fulfilling their obligation to the community. ABRA dragged their feet on all enforcement and it was only after a strongly worded letter from the ANC commissioner Mark Eckenwiler that ABRA reacted at all. The H street community is a fast-growing community but to the residents and business owners it is the "Wild West" where businesses feel they can do anything they want with no consequences and residents feel the pain. Enforcement is lax or nonexistent. Establishments like TruOrleans make a mockery of the process; they have no intention of operating within their agreement. There are establishments that are good neighbors and the community supports them. Ethiopic and Boundary Road are two establishments on the same block and each has engaged the community and are good neighbors. I have personally stood up at ANC meetings in support of Ethiopic. TruOrleans is not one of these establishments.

We ask that the District re-evaluate the licensing procedure in general and enforce the standard of Appropriateness overall in the process of licensure and in particular to this establishment for enforcement. Section 25-313 of the DC code sets a standard. Based on what happened last night we feel that this establishment violates sections 25-313-b.1 through b.3. There can be no doubt that the overall operations of TruOrleans as a bar and the recent street brawl emanating from TruOrleans (1) has a negative effect on property values, (2) a negative effect on the peace, order, and quiet of the neighborhood, and (3) a negative effect on the pedestrian safety.

§ 25-313. Appropriateness standard.

(a) To qualify for issuance, renewal of a license, new owner license renewal, or an application for the approval of a substantial change in operation as determined by the Board under § 25-404, an applicant shall demonstrate to the satisfaction of the Board that the establishment is appropriate for the locality, section, or portion of the District where it is to be located.

(b) In determining the appropriateness of an establishment, the Board shall consider all relevant evidence of record, including:

(1) The effect of the establishment on real property values;

(2) The effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726;

(3) The effect of the establishment upon residential parking needs and vehicular and pedestrian safety;

Enough is enough. Our safety is at risk. It is time for ABRA and the District to perform its duties. This situation is unsafe and inappropriate. The liquor license should be revoked.

Resident of Ward 6,



Gregory Stackel

EXHIBIT #16

From: Eckenwiler, Mark (ANC 6C04)
To: Moosally, Fred (ABRA)
Cc: Fashbaugh, Sarah R. (ABRA)
Sent: Sat Jul 20 07:58:56 2013
Subject: Fwd: TruOrleans tonight/this morning

FYI. I hope your investigators are aware of this incident, in contact with MPD, and giving it the immediate attention it deserves. These are extraordinarily serious allegations, and if substantiated should result in severe consequences for the licensee. The basic safety of residents in ANC 6C requires no less.

I would appreciate knowing what actions ABRA is taking on this matter. Thank you.

Mark Eckenwiler
Commissioner, ANC 6C04

Begin forwarded message:

From: David Prestwood <[REDACTED]>
Date: July 20, 2013, 2:18:55 AM EDT
To: "Eckenwiler, Mark (ANC 6C04)" <6C04@anc.dc.gov>, "Kazmierczak, Mark (ANC 6C05)" <6C05@anc.dc.gov>, "Prestwood, Claire" <[REDACTED]>, Tony Richardson <[REDACTED]>, Gregory Stackel <[REDACTED]>, Genevieve Sapir <[REDACTED]>, Tom Daire <[REDACTED]>, Guggan Datta <[REDACTED]>, Anisha Bhargava <[REDACTED]>, Roger Hicks <[REDACTED]>, Terina Hicks <[REDACTED]>, "Godin, Daniel (MPD)" <daniel.godin@dc.gov>, Hayley Gerkman <[REDACTED]>, Erica Gerkman <[REDACTED]>
Subject: TruOrleans tonight/this morning

Friends,

I wanted to send around an email to let you know what happened at 4th and H this evening. I sent the following email to ABRA around 2:00 am.

Good morning.

This morning (just after midnight) I witnessed a 40-person brawl at TruOrleans (400 H St NE). I am told that the brawl began because of a dispute over a bill, in which a TruOrleans employee is alleged to have pocketed a cash payment and attempted to double-charge a group of patrons. The patrons objected and the employee turned physical, resulting in a melee that spilled outside. According to witnesses, TruOrleans employees attacked patrons with pipes, brooms and a broken bottle. The brawl went from the sidewalk to the alley behind TruOrleans and then spilled out onto 4th St NE, a residential street, where patrons and employees threw haymakers at each other. Multiple individuals were knocked to the ground, at which point they were kicked and stomped on by others. At least one person was thrown into the side of a car that was waiting to

TruOrleans has been in violation of their settlement agreement since it opened in July 2011. It has been a continuing nuisance through their unwillingness to contain noise. It has let customers leave with alcohol in hand. Its employees are confrontational and now it is clear they are also violent. Its owner has told me verbatim to "go ahead and call ABRA, they won't do anything." It has demonstrated a complete lack of regard for the neighborhood and for the city. It is time for a change.

David Prestwood


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